IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Income Tax Appeal No. 533 of 2001

1. The Commissioner of Income Tax, Dehradun.
2. The Income Tax Officer, Special Ward, Dehradun. ……. Appellants

Vers

M/s Reading & Bates Exploration Co.
As agent of Mr. S. Shankanun,
S.V. Road, Viley Parely,
Bombay. ……Respondent

Mr. S.K. Posti, Advocate for
appellants. None for the respondent.

Coram: Hon'ble S.H. Kapadia, C.J.
Hon'ble M.M. Ghildiyal, J.

Date: 03.11.2003

PC:-

Affidavit proving service taken on record.

The matter is squarely covered by our decision dated 9th October 2003 in Income Tax Act Appeal No. 57 of 2002; The Commissioner of Income Tax, Meerut & another V/s SEDCO Forex International Drilling Co. Ltd.

The questions raised before us are as follows:-

QUESTIONS:

(1) "Whether, the Tribunal was right in holding that " OFF Period Salary" was not taxable u/s 9(1)(ii) read with the Explanation as it stood at the relevant time?"

(2) "Whether, the Tribunal was right in holding that free food, beverage and boarding on the rig was not a perquisite u/s 17(2)(iii)?"

(3) "Whether the Tribunal was justified in deleting interest levied on the assessee u/s 234B?"

ANSWER:

In view of our above judgment, we answer the first question in the negative that is in favour of the Department & against the assessee

and the other two questions in the affirmative that is in favour of the assessee & against the Department.

Appeal disposed of. No order as to costs.

(M.M. Ghildiyal, J.) **(S.H. Kapadia, C.J.)**

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